



**U.S. Citizenship
and Immigration
Services**

**Non-Precedent Decision of the
Administrative Appeals Office**

In Re: 31284298

Date: JUN. 21, 2024

Appeal of Texas Service Center Decision

Form I-140, Immigrant Petition for Alien Workers (Extraordinary Ability)

The Petitioner, a Brazilian Jiu-Jitsu (BJJ) coach, seeks classification as an individual of extraordinary ability. *See* Immigration and Nationality Act (the Act) section 203(b)(1)(A), 8 U.S.C. § 1153(b)(1)(A). This first preference classification makes immigrant visas available to those who can demonstrate their extraordinary ability through sustained national or international acclaim and whose achievements have been recognized in their field through extensive documentation.

The Director of the Texas Service Center denied the petition, concluding that the Petitioner did not establish that he had received a one-time achievement (a major, internationally recognized award) or that he satisfied at least three of the initial evidentiary criteria, as required for the requested classification. The matter is now before us on appeal pursuant to 8 C.F.R. § 103.3.

The Petitioner bears the burden of proof to demonstrate eligibility by a preponderance of the evidence. *Matter of Chawathe*, 25 I&N Dec. 369, 375-76 (AAO 2010). We review the questions in this matter de novo. *Matter of Christo's, Inc.*, 26 I&N Dec. 537, 537 n.2 (AAO 2015). Upon de novo review, we will dismiss the appeal.

I. LAW

Section 203(b)(1)(A) of the Act makes visas available to immigrants with extraordinary ability if:

- (i) the [noncitizen] has extraordinary ability in the sciences, arts, education, business, or athletics which has been demonstrated by sustained national or international acclaim and whose achievements have been recognized in the field through extensive documentation,
- (ii) the [noncitizen] seeks to enter the United States to continue work in the area of extraordinary ability, and
- (iii) the [noncitizen's] entry into the United States will substantially benefit prospectively the United States.

The term “extraordinary ability” refers only to those individuals in “that small percentage who have risen to the very top of the field of endeavor.” 8 C.F.R. § 204.5(h)(2). The implementing regulation at 8 C.F.R. § 204.5(h)(3) sets forth a multi-part analysis. First, a petitioner can demonstrate recognition of their achievements in the field through a one-time achievement (that is, a major, internationally recognized award). If the petitioner does not submit this evidence, then they must provide sufficient qualifying documentation that meets at least three of the ten criteria listed at 8 C.F.R. § 204.5(h)(3)(i) – (x) (including items such as awards, published material in certain media, and scholarly articles).

Where a petitioner meets these initial evidence requirements, we then consider the totality of the material provided in a final merits determination and assess whether the record shows sustained national or international acclaim and demonstrates that the individual is among the small percentage at the very top of the field of endeavor. *See Kazarian v. USCIS*, 596 F.3d 1115 (9th Cir. 2010). (discussing a two-part review where the documentation is first counted and then, if fulfilling the required number of criteria, considered in the context of a final merits determination); *see also Visinscaia v. Beers*, 4 F. Supp. 3d 126, 131-32 (D.D.C. 2013); *Rijal v. USCIS*, 772 F. Supp. 2d 1339 (W.D. Wash. 2011).

II. ANALYSIS

The Petitioner states that he has been a competitive athlete, instructor, and referee of BJJ for more than 40 years. On his resume, the Petitioner states that he began learning and competing in Jiu-Jitsu in 1976. In 1984 he began teaching Jiu-Jitsu to children in school, while continuing his own training for competitions. In 1989, the Petitioner, along with his brothers, opened the [REDACTED] in Brazil to teach and train BJJ. [REDACTED] now operates in several countries, including multiple locations in the United States. Through [REDACTED] the Petitioner has promoted more than 100 black belts in BJJ. The Petitioner states that during his career he has led and founded organizations that govern and regulate the sport of Jiu-Jitsu and its competitions in Brazil and internationally. The Petitioner is currently one of only 12 BJJ masters to hold the [REDACTED]. He seeks to continue his work as a BJJ coach in the United States.

Because the Petitioner has not indicated or established that he has received a major, internationally recognized award, he must satisfy at least three of the alternate regulatory criteria at 8 C.F.R. § 204.5(h)(3)(i)-(x). The Petitioner initially claimed that he met four of these criteria:

- (iii), Published materials in major trade or professional publications or other major media;
- (iv), Participating as a judge of the work of others in the field;
- (v) Original contributions of major significance; and
- (viii), Performing in leading or critical roles for organizations or establishments with a distinguished reputation.

The Director issued a request for evidence (RFE), notifying the Petitioner that the evidence in the record was not sufficient to establish that the Petitioner met any of the claimed criteria. The Director allowed the Petitioner an opportunity to submit additional evidence to demonstrate that he satisfied at least three of the alternate regulatory criteria at 8 C.F.R. § 204.5(h)(3)(i)-(x).

In response to the RFE, the Petitioner submitted additional evidence asserting that he met the following criteria:

- (i), Lesser nationally or internationally recognized awards or prizes;
- (ii), Memberships in associations that require outstanding achievements;
- (iii), Published materials in major trade or professional publications or other major media;
- (iv), Participating as a judge of the work of others in the field;
- (v) Original contributions of major significance; and
- (viii), Performing in leading or critical roles for organizations or establishments with a distinguished reputation.

In denying the petition, the Director determined that the Petitioner met only one of the ten criteria. Specifically, the Director concluded that the Petitioner met the criterion at 8 C.F.R. § 204.5(h)(3)(iv), having participated as a judge of the work of others in the field.

A. Evidentiary Criteria

On appeal, the Petitioner maintains that he satisfies at least three of the alternate regulatory criteria at 8 C.F.R. § 204.5(h)(3)(i)-(x). For the reasons discussed below, we find that the Petitioner has established that he meets one additional criterion, specifically the criterion at 8 C.F.R. § 204.5(h)(3)(viii), having performed in a leading role for an organization with a distinguished reputation. However, he has not satisfied the initial evidentiary requirements.

Documentation of the individual's receipt of lesser nationally or internationally recognized prizes or awards for excellence in the field of endeavor. 8 C.F.R. § 204.5(h)(3)(i).

The Petitioner did not submit evidence that he met this criterion with the initial filing. After reviewing the Petitioner's response to the RFE, the Director acknowledged the evidence of the Petitioner's belt rankings and recognition received for service and appreciation. However, the Director determined that the belt rankings demonstrate completion of training rather than excellence in the field. The Director further determined that the Petitioner did not demonstrate that the awards in the record were given for excellence in coaching BJJ, his field of endeavor.

The Petitioner claims that he meets this criterion because he received the "Centenary Medal of the [redacted] [redacted] The award was given on [redacted] 2023. Additional information in the record about the medal states that it is awarded "with the aim of awarding civilian and military personalities or public and private institutions for their significant contributions towards the health and physical and operational capability of the members of [redacted] or for having acted prominently in this same field of life enhancement, thereby elevating the name of the [redacted]

A petitioner must establish eligibility at the time of filing. 8 C.F.R. §§ 103.2(b)(1), (12); *Matter of Katigbak*, 14 I&N Dec. 45, 49 (Reg'l Comm'r 1971). Here, the petition was filed on December 30,

2022. Because the Petitioner's Centenary Medal was awarded in March 2023, after the filing of the petition, we will not consider this award to demonstrate that he meets the criterion at 8 C.F.R. § 204.5(h)(3)(i).

Even if we consider this award, which we do not, the Petitioner has not demonstrated that the medal was awarded for excellence in the field of either BJJ or BJJ coaching. Neither the award itself nor the additional materials in the record about the medal state that it is awarded based on skills of BJJ or coaching BJJ. The record includes an article about the award dated March 2010, the first year the award was issued. The article states that the medal was awarded to "28 civilian and 25 military figures," and included a "former football player," but does not mention BJJ or BJJ coaching.

The Petitioner also claims that he meets this criterion based on the [redacted] award. He states that he was awarded this medal three times, in 2015, 2016 and 2022, and the award is for "athletes, masters, and personalities [in men's sports] with focus on martial arts." The record includes a [redacted] certificate issued to the Petitioner on [redacted] 2022, which states, "This is a fair tribute to someone who has a career marked by work and a permanent commitment to sport, culture, and education." The record also includes a photograph of various medals, highlighting three medals titled [redacted] dated 2015, 2016, and 2022.

The photograph of the medals does not establish that these medals were awarded to the Petitioner. No name is included on the face of the medals, and nothing identifies the Petitioner as the recipient. While the [redacted] certificate identifies the Petitioner as the recipient in 2022, it does not demonstrate that the award was given for excellence in the field of BJJ or BJJ coaching.

The record includes an article about the award, dated August 2016, which states, "The ceremony includes professionals from various areas that drive sport in Brazil." On appeal, the Petitioner submits a second article about the award, dated August 2019. The article states that the award event is "considered the 'Oscar of Brazilian Sports'" and has "a focus on martial arts." However, neither article mentions BJJ or describes the medal as an award for excellence in the field of BJJ or BJJ coaching.

The language of the regulation at 8 C.F.R. § 204.5(h)(3)(i) specifically requires that the Petitioner's awards be nationally or internationally recognized in the field of endeavor and it is his burden to establish every element of this criterion. The record is insufficient to confirm that the Petitioner's awards constitute his receipt of a nationally or internationally recognized prize or award for excellence in the field of BJJ or BJJ coaching.

The record also includes a "Certificate of Appreciation" issued to the Petitioner by the [redacted] [redacted] Community Affairs Bureau in [redacted] 2022, and an undated "Honorable Mention" certificate issued to the Petitioner by the publisher of [redacted] a magazine about martial arts. The Petitioner does not provide additional information about these awards, including the criteria used to grant the award, the national or international significance of the awards, the number of awardees, or limitations on competitors. *See 6 USCIS Policy Manual* F.2(B)(1), <https://www.uscis.gov/policymanual/HTML/PolicyManual.html>.

The Petitioner initially submitted certificates of his BJJ belt rankings. These certificates indicate that he was recognized with progressive rankings from “Orange Belt” in December 1979, to “Master Red and White Belt 8th degree” in March 2022. As the Director noted, these certificates do not equate to nationally or internationally recognized prizes or awards for excellence in the field. The certificates establish that the Petitioner earned these ranks based on his successful completion of a required skills test or examination, but he has not established that these rank certificates constitute either prizes or awards.

In response to the RFE, the Petitioner asserted that “[his] receipt of the [redacted] in BJJ is, in and of itself, an internationally recognized award in this martial art, as this is one of the highest achievable ranks in BJJ.” The record includes an “Official Diploma of the Confederation of Brazilian Sports Jiu-Jitsu” (CBJJE) issued to the Petitioner on [redacted] 2019, granting the title of [redacted]
[redacted]

In attempting to demonstrate that the [redacted] is an internationally recognized award, the Petitioner references a letter of recommendation from [redacted] president of the [redacted] [redacted] and instructor at the Petitioner’s Jiu-Jitsu club, and an article from the website www.jiujitsu-news.com, titled [redacted] Mr. [redacted] states that the [redacted] “necessitates rigorous training for a minimum period of 30 years,” and “is regarded as a lifetime achievement and a testament to the Jiu-Jitsu ethos.” The website article states that the [redacted] represents “a true expert jiu jitsu master with at least thirty-seven years of BJJ training and teaching as an active black belt.” The record also includes the “Jiu Jitsu Belt Ranking System” of the [redacted] The [redacted] identifies the minimum requirements of the [redacted] [redacted] as, “(At least 53 years old) with a minimum of 6 (six) years as a [redacted] and having at least 32 years of activity in Jiu Jitsu.”

While we acknowledge the Petitioner’s longtime dedication to BJJ, the record does not demonstrate that the [redacted] equates to a nationally or internationally recognized prize or award for excellence in the field. The record does not include information about the criteria used to grant the award, beyond a minimum age and number of years of experience. Further, the record includes conflicting information regarding the minimum experience requirements, stated as 30 years by Mr. [redacted] 37 years in the website article, and 32 years on the [redacted] belt ranking system. While we acknowledge that counsel for the Petitioner states that this is dependent on the ranking system used, the Petitioner must resolve inconsistencies with independent, objective evidence pointing to where the truth lies. *Matter of Ho*, 19 I&N Dec. 582, at 591-92 (BIA 1988).

For these reasons, the Petitioner has not submitted documentation that satisfies this criterion.

Documentation of the alien’s membership in associations in the field for which classification is sought, which require outstanding achievements of their members, as judged by recognized national or international experts in their disciplines or fields. 8 C.F.R. § 204.5(h)(3)(ii).

To meet the standards of this criterion, an individual must submit evidence that 1) they are a member of an association; 2) the association is in their field of extraordinary ability; 3) the association requires

outstanding achievements as a condition for membership; and 4) that the outstanding achievements are judged by national or international experts in their fields.

In support of this criterion the Petitioner submitted a statement from the Brazilian and International Association of Jiu-Jitsu Masters. The Director determined that the statement without supporting documentary evidence was not sufficient to establish that the Petitioner satisfies this criterion.

The Petitioner does not address or contest on appeal the Director's conclusion that he does not meet this criterion. Accordingly, we deem these grounds to be waived. An issue not raised on appeal is waived. *See, e.g., Matter of O-R-E-*, 28 I&N Dec. 330, 336 n.5 (BIA 2021) (citing *Matter of R A-M-*, 25 I&N Dec. 657, 658 n.2 (BIA 2012)).

Published material about the alien in professional or major trade publications or other major media, relating to the alien's work in the field for which classification is sought. Such evidence shall include the title, date, and author of the material, and any necessary translation. 8 C.F.R. § 204.5(h)(3)(iii).

This criterion requires evidence showing published material about the individual and their work in the field of extraordinary ability. In addition, that material must include basic information such as its title, date and author, and must have been published in professional or major trade publications or other major media.

The record includes several articles on the topic of BJJ, some mentioning the Petitioner and some featuring the Petitioner. The Director determined that this criterion was not met because the Petitioner did not submit evidence to demonstrate that the articles were published in professional or major trade publications or other major media. The Director noted that the record did not include evidence to establish the circulation statistics for the publishing sources, or evidence of the intended audience for the publications.

On appeal, the Petitioner states that the Director erred in not considering evidence submitted in response to the RFE, which included details about the publishing sources. The Petitioner also provides additional information about one publishing source.

We note that several articles that the Petitioner submitted in response to the RFE were published in 2023, after the filing of this petition in December 2022. As noted above, a petitioner must establish eligibility at the time of filing. 8 C.F.R. §§ 103.2(b)(1), (12). Therefore, we will not consider those articles published after the date of filing to demonstrate that the Petitioner meets the criterion at 8 C.F.R. § 204.5(h)(3)(iii).

We also note that several articles in the record, while mentioning the Petitioner, do not discuss the Petitioner's work in the field of BJJ. For example, a biography of another Jiu-Jitsu figure printed on the website BJJHeroes.com identifies the Petitioner as the figure's instructor but does not include any discussion of the significance or value of this role to the field of BJJ or BJJ coaching. Additionally, some of the published material in the record is printed from the website of the Petitioner's Jiu-Jitsu club. The USCIS Policy Manual notes regarding these type materials, "Any materials the petitioner submits must demonstrate the value of the person's work and contributions ... Marketing materials

created for the purpose of selling the person's products or promoting the person's services are not generally considered to be published material about the person." 6 USCIS Policy Manual F.2(B)(1), *supra*.

The record includes two articles about the Petitioner published in TATAME, one in [] 2001 and the other in [] 2022. The record includes information from the TATAME website, describing it as a Brazilian magazine "[c]reated to cover events, athletes, personalities, and everything else that was part of the world of [BJJ] ... We cover the main fight events, produce exclusive, serious and quality content, and we are always attentive to the most important events in the field." The information states that TATAME's Facebook page has 400,000 followers and its YouTube channel has "almost 50 thousand subscribers with more than 14 million views."

While the information about TATAME tends to demonstrate that its content is popular on social media platforms, this information does not identify TATAME as a professional or major trade publication in the field of BJJ. The record does not include information about TATAME's relevant audience or the *relative* circulation, readership or viewership. 6 USCIS Policy Manual F.2(B)(1), ("In evaluating whether a submitted publication is a professional publication, major trade publication, or major media, relevant factors include the intended audience (for professional and major trade publications) and the relative circulation, readership, or viewership (for major trade publications and other major media)"). Therefore, we cannot conclude that TATAME qualifies as major media to satisfy this criterion.

For these reasons the Petitioner did not show that he satisfies this criterion.

Evidence of the alien's original scientific, scholarly, artistic, athletic, or business-related contributions of major significance in the field. 8 C.F.R. § 204.5(h)(3)(v).

In order to satisfy this criterion, a petitioner must establish that not only has he made original contributions, but that they have been of major significance in the field.¹ For example, a petitioner may show that the contributions have been widely implemented throughout the field, have remarkably impacted or influenced the field, or have otherwise risen to a level of major significance in the field.

With the initial filing, in support of this criterion the Petitioner listed his original contributions of major significance as follows:

- Founder of two major Jiu Jitsu organizations in [] Brazil.
- One of the organizers of the []

In response to the RFE, the Petitioner stated that he is the main organizer and current president of the [] and the creator of the []. He also stated that he developed his own unique teaching methodology, which is considered to be "one of his main contributions to the sport." The Petitioner referenced recommendation letters, the meeting minutes and charter of the [] and publications in the record. The Petitioner also noted that he published

¹ See 6 USCIS Policy Manual, Appendices, *supra*, at F.2.

a book, titled [REDACTED] in [REDACTED] 2021. A copy of the book is included in the record.

The Director determined that this criterion was not met because the Petitioner did not demonstrate how his contributions of founding two Jiu-Jitsu organizations was original work, or what significant impact this had on the field as a whole. The Director specifically noted that the record did not include documentary evidence to substantiate the Petitioner's original contribution.

On appeal, the Petitioner references evidence already in the record and states that the Director "only considered [his] founding of two Jiu Jitsu organizations to determine that he did not meet the requirements ... [and] evidence provided regarding [his] own teaching methodology, or techniques as stated, was completely ignored in the decision."

The record demonstrates that the Petitioner is the current president of the [REDACTED] and is a founding member of the [REDACTED] as well as [REDACTED] the Petitioner's BJJ training club operating in multiple countries. While the record includes articles and recommendation letters mentioning the Petitioner's association with [REDACTED] the record does not include corroborating evidence from [REDACTED] to describe the Petitioner's original contribution through this organization.

In the Petitioner's resume and personal statement, he states that he founded [REDACTED] with his brothers. The [REDACTED] charter and meeting minutes indicate that the Petitioner and his brothers, along with others founded the [REDACTED] However, the evidence does not describe the Petitioner's role in any of the organizations relative to his brothers or other founding members. Therefore, we cannot determine the originality of the Petitioner's contributions to these organizations.

Furthermore, the record does not contain sufficient information with corroborating documentation to support the Petitioner's assertions that his teaching methodology is of major significance. Although the record includes recommendation letters from professionals who discuss the Petitioner's teaching methodology, the majority of these individuals are directly associated with [REDACTED] where the Petitioner uses his own methodology of teaching. On appeal, the Petitioner states that [REDACTED] "is the only team in the world that works with this method." The record does not contain documentation or evidence demonstrating the impact of his teaching method on or the extent of its use in the field of BJJ beyond the Petitioner's own organization.

For these reasons, the Petitioner did not show that he satisfies this criterion.

Evidence that the alien has performed in a leading or critical role for organizations or establishments that have a distinguished reputation. 8 C.F.R. § 204.5(h)(3)(viii).

To qualify under this criterion, a petitioner must show that they played a leading or critical role for an organization or establishment, and that that organization or establishment has a distinguished reputation. When evaluating whether a role is leading, we look at whether the evidence establishes that the person is or was a leader within the organization, or a department or division thereof. A title, with appropriate matching duties, can help to establish that a role is or was leading. For a critical role, we look at whether the evidence establishes that the person has contributed in a way that is of

significant importance to the outcome of the organization or establishment's activities or those of a division or department of the organization or establishment. *6 USCIS Policy Manual F.2(B)(1), supra.*

To support that an organization has a distinguished reputation, the relative size or longevity of an organization is considered together with other relevant information, such as the scale of its customer base or relevant media coverage. "Merriam-Webster's online dictionary defines 'distinguished' as 'marked by eminence, distinction, or excellence' or 'befitting an eminent person.'" *Id.*

The Petitioner points to his roles as founding member and president of [] and founding member of [] in support of this criterion. The Director determined that this criterion was not met because the evidence did not show that the Petitioner performed in a leading or critical role, that his contributions were of significant importance to the outcome of the organizations, or that the organizations have a distinguished reputation.

On appeal, the Petitioner maintains that he has performed in a critical role for []. He cites to his role as "the legal representative who registered" the [] as well as his role as president. The Petitioner also references published material in the record identifying [] as "one of the main entities of Brazilian Jiu Jitsu."

The record includes the [] charter. The charter describes the fundamental objectives of the organization as:

- Manage, administrate, direct, control, fiscalize, spread, encourage and foster the practice of Sportive Jiu Jitsu of all levels through all of the national territory.
- Represent National Sportive Jiu Jitsu together with legal entities of civil or public law.
- Represent Sportive Jiu Jitsu in competitions outside Brazil, official or not, organizing a team of athletes and directors.
- Promote, by itself or through authorized third parties, any competition of Sportive Jiu Jitsu in the national territory.
- Equip all associations, clubs, federations and leagues in Brazilian territory that cultivate Sportive Jiu Jitsu.
- Organize, administrate, encourage and direct Sportive Jiu Jitsu in all of its categories, doing competitions between the affiliates and the other National or International Federations, in the occasions authorized by the competent entities.
- To support, promote and spread the initiative of the affiliates to carry out Sportive Jiu Jitsu competitions.

Recommendation and support letters in the record describe the Petitioner's role as a "pioneer" of the []. The record includes a letter from Master [], leader of the [] and member of the [] considered one of the [] in BJJ. Master [] states that the Petitioner "is recognized by everyone for strengthening the State of Sao Paolo in Jiu-Jitsu" for his role in creating the []. A letter from [], Jiu Jitsu teacher and documentary director, states that, under the Petitioner's management, "the [] organized Jiu Jitsu championships, in big and small cities, all over the world. [He] has organized referee clinics, events

and tournaments but he also provided official recognition to Masters and Professors through [the
[REDACTED]]

Additionally, published material about Jiu-Jitsu in the record identifies the [REDACTED] as one of the “main entities of Brazilian Jiu-Jitsu and a reference in Sao Paulo.” The articles also demonstrate that the [REDACTED] organizes many well-known BJJ competitions in Brazil, including the [REDACTED] [REDACTED] held annually in Sao Paulo.

Upon review of the entire record, including the [REDACTED] charter which describes the role and responsibilities of president, recommendation and support letters, as well as published material about the distinguished reputation of the [REDACTED] we conclude that the Petitioner has met this criterion. Therefore, this portion of the Director’s decision is withdrawn.

However, the Petitioner has not demonstrated that he satisfies at least three of the initial evidentiary criteria. Therefore, the Petitioner has not established eligibility for classification as an individual of extraordinary ability.

B. Summary

For the reasons discussed above, we agree with the Director that the Petitioner is not eligible because he has not submitted the required initial evidence of either a one-time achievement or documents that meet at least three of the ten criteria listed at 8 C.F.R. § 204.5(h)(3)(i)-(x). Thus, we need not fully address the totality of the materials in a final merits determination. *Kazarian*, 596 F.3d at 1119-20. Nevertheless, we have reviewed the record in the aggregate, and conclude that it does not support a finding that the Petitioner has established the level of expertise required for the classification sought.²

The Petitioner seeks a highly restrictive visa classification, intended for individuals already at the top of their respective fields, rather than for individuals progressing toward the top. USCIS has long held that even athletes performing at the major league level do not automatically meet the “extraordinary ability” standard. *Matter of Price*, 20 I&N Dec. 953, 954 (Assoc. Comm’r 1994). Here, the Petitioner has not shown that the significance of his accomplishments in BJJ or BJJ coaching is indicative of the required sustained national or international acclaim or that it is consistent with a “career of acclaimed work in the field” as contemplated by Congress. H.R. Rep. No. 101-723, 59 (Sept. 19, 1990); *see also* section 203(b)(1)(A) of the Act. Moreover, the record does not otherwise demonstrate that the Petitioner has garnered national or international acclaim in the field, and he is one of the small percentage who has risen to the very top of the field of endeavor. *See* section 203(b)(1)(A) of the Act and 8 C.F.R. § 204.5(h)(2).

² This review included consideration of testimonial evidence that was not claimed to satisfy any particular regulatory criterion, such as reference letters from the Petitioner’s current and former students and references from professional associates familiar with the Petitioner’s skills as a BJJ coach.

III. CONCLUSION

The Petitioner has not shown that he qualifies for classification as an individual of extraordinary ability under section 203(b)(1)(A) of the Act. The appeal will be dismissed for the above stated reasons. In visa petition proceedings, it is the petitioner's burden to establish eligibility for the immigration benefit sought. Section 291 of the Act, 8 U.S.C. § 1361; *Matter of Skirball Cultural Ctr.*, 25 I&N Dec. 799, 806 (AAO 2012). Here, that burden has not been met.

ORDER: The appeal is dismissed.